

Wetlands Advisory Task Force

MINUTES

MAY 23, 2012

701 NW 1 COURT
2ND FLOOR TRAINING ROOM

MEETING CALLED BY	By Chair at 1:20pm		
MEMBER ATTENDEES	Present: Patricia Baloyra Manuel Echezarretta Jose K. Fuentes Jose M. Gonzalez James F. Murley Alice Pena Stephen A. Sauls	Absent:	Present Non Voting: Jennifer Smith Rebecca Elliott

Agenda topics

WELCOME AND ANNOUNCEMENTS

MATT DAVIS, DIVISION CHIEF, NATURAL RESOURCES REGULATIONS DIVISION, RER

DISCUSSION	<p>Meeting of May 23, 2012 was called to order by the Chair. The Chair welcomed all in attendance to the Miami-Dade County Wetlands Advisory Task Force and announced that we met quorum.</p> <p>The Chair recognized Mr. Matt Davis for additional announcements. Mr. Davis welcomed everyone and advised everyone of our new department name change, Department of Regulatory and Economic Resources, and how it combines five former departments. He also advised everyone that Mr. Lee Hefty would not be in attendance to today's task force meeting.</p>
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APPROVAL OF AGENDA

DISCUSSION	Motion to approve agenda was made by the Jose Gonzalez and seconded by Manuel Echezarretta. Motion passed with no objections.
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APPROVAL OF MINUTES FROM APRIL 18, 2012 MEETING

JAMES F. MURLEY – CHAIR - WATF

DISCUSSION	Motion was made by Jose Gonzalez to approve the minutes from the April 18, 2012 meeting and seconded by Manuel Echezarretta. Minutes were amended to include Rebecca Elliott was in attendance.
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PRESENTATION ON MOD. WATERS & HYDROLOGY IN THE 8.5 SMA

MICHAEL COLLIS, USACE

DISCUSSION	<p>The Chair introduced and welcomed US Army Corp of Engineers, Lieutenant Colonel Thomas Greco, now based in West Palm Beach. The Lt. Col. moved here from South Dakota. He encouraged everyone to welcome and greet Lt. Col. Greco. With him was the long time manager of this project, Michael Collis who was to give an update on Water and Hydrology in the 8.5 SMA and answer questions.</p> <p>Mr. Michael Collis gave a presentation on Modified Water Deliveries to Everglades National Park. He provided the MWD purpose along with the project's four comprised components which are:</p> <ul style="list-style-type: none">• 8.5 SMA Flood Mitigation Plan• Conveyance and Seepage Control Features• Tamiami Trail Modifications; and• Project Implementation Support <p>Mr. Collis provided the history of the projects as well as the systems operations and conclusion.</p> <p>Task Force Members Discussion:</p> <p>The Chair thanked Mr. Collis for attending and providing the presentation he then turned the floor over to the public.</p> <p>James Humble: "There's several things that he [Collis] left out, maybe because he was in grade school at the time. The 1983 year was chosen as the year because in 1983 we had very massive flooding south of Tamiami Trail when discharges started being made in conservation areas into the park. The park objected to those transfers of water which lead to Bob Graham's seven point save the Everglades Plan. Apparently, now it's been adopted by the Corp as their plan but it was initiated by Bob Graham and that was in '83. As with Spitfield was at the presentation along with other gentlemen that was around the Governor at the time. And that's when that all started. '83 was the highest water in our record and that was chosen for reasons which we always agreed with because you should not take the highest year, nor should you take the lowest year. You should really take the average. Also when we talked about IOP and other committees that no one's mentioned which</p>
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the Corp under law had to set up which was called the CSOP Committee. It was combined structural operating permit which was county, state, fed, environmental groups and farmers in South Dade. The Corps administered that particular committee at FIU for over a year. Rock Salt was there at the time along with Col. May. The rule on that committee was it took an 85% vote for anything to pass. Well, its interesting that nothing is ever mentioned about that committee, but 85% of the vote made from that committee set the following: there should be flood protections area, the people should be protected, the permits should operated in a way that didn't cause damage for land owners. That was passed by that committee. The records are available if people want to look at them. I think that when you talk about history, you need to also include all the parts. Not just the parts that favor the arguments. Another thing that really concerns me in South Dade and I've spoken to the Corps about it and I'm sure it is not in any way, I don't mean this with any animosity, I just think they need to think about this. As the Corps and Interior has grown closer, the Corps historically was very protective of property rights in the United States. Their position is to protect those constitutional rights, but as the Corps and the Park have grown closer in this particular thing and as many people for the Corps has gone to work for the Park. The line in decision making for the Corps has changed dramatically. Influenced heavily, in the last five Colonels, three or four of them has gone to work for interior once leaving the Corps. So, you have a decision making process in which Corps, I think they need to be careful when they're making decisions, especially if their next job is with interior who has a different point of view often than the Corps on those issues. And that's not at the very delicate subject; I don't want people to misinterpret what I'm saying I just think they need to be careful. The property rights are a constitutional right that should be protected and things like CSOP should be looked at as a Corps committee to stand up and define how we should operate this system. And there was one other committee which was not mentioned which was Bob Graham's 380 Committee. That was a committee set up to determine whether the East Everglades would be made into an Area of Critical State Concern. The final vote on that committee, and I sat on that committee, was 21 to 4 to make this an Area of Critical State Concern to put big constrictions on farming in this area. We challenged that to the Florida Cabinet. That vote of that committee set up by Bob Graham, his committee, was reversed unanimously of the Florida Cabinet and all those things were thrown out. No one ever mentioned that part of it either. So, this selected history here put a situation where as of last month many people of this committee didn't even know that we were talking about the East Everglades as a body of land that was put into federal ownership. What you're doing is important; it affects people's lives, it protects constitutional rights in this Country. In the Park, things are important too and we understand that and balance that. All this has been about balancing the private property rights people have against the rights of the Park. You have to balance that and I understand that, but you don't balance that by leaving out large bodies of information. How you make a decision after you have all the information is fine. I just think that you need all the information and I'll be happy to supply all that information. Thank you."

The Chair: Thank you. Next speaker please.

Steve Carney:

"Hello I'm Steve Carney, President of Carney Environmental Consulting, 6435 SW 85th Street, Miami. When alternative 6SMA was developed. A lot of effort and money went into 6SMA and a significant levy system to the west a major seepage canal and a huge pump station. I got to believe that there was a design criteria for that system to which it was designed, whether it was ground water elevation six or five or something saying here's our starting point. Now, once you get your starting point and what is in place, it seems reasonable that adapted measures come into play. Somewhere in the record, there must be a ground water elevation which this particular system was designed. Understand the bigger change in the future. If you don't know what that ground water elevation is..."

Mr. Collis:

"I'm completely capable of looking it up, but I don't..."

The Chair:

"No dialog, just make a statement."

Mr. Carney cont'd:

"Ok, what is the point of actuation for the pump system? I understand that it was originally a switch system for one of the wells to the west. I think I read more recently that the method of determining what the actuation of the pump was placed in 357, is that true? No dialog..."

The Chair:

"I'm trying to get your comments on the record on this important presentation and then we'll get back to Mr. Collis. He's fully capable of incorporating your questions."

Mr. Carney cont'd:

"Ok, that's all I have."

The Chair:

"We'll have another opportunity for public comments later and we now have a final question. Steve..."

Stephen A. Sauls:

"I guess the purpose of the Everglades Restoration Program is to address the larger public purpose which affects this large broad community of people and to observe more like the conditions of 1900 based on what the criteria of the ground established but it was a large public purpose. There are provisions of EMINENT domain that's part of the public tools of the legal system that we have and we can evaluate the balance. We can spend lots of time talking about the balance. But I just wonder if we're spending an enormous amount of money going on 30 years later for this project and we don't have a fully operational operations plan. Although we put in a lot of infrastructure to have a plan. And I just wonder at what point might somebody ask how much money are we spending for this area. These are a fixed number of residents who have benefitted from it. That's a rather simple mathematical process and I'm just curious to know what that sunk cost to date

	<p>are and what the projected cost over, let's say, the next 20 years. I just wonder if anybody is looking at that and if so, what that shows?"</p> <p><u>M. Collis:</u> "Yes, the program Interior is the agency responsible for funding the mod waters project and keep a very close eye on the money that we spend, how much money we spend and how much money we're going to spend. The total estimated project cost for all the mod waters features, and it just isn't 8.5 its agents all together is capped at \$417M and we have spent approximately, to date we are in the range, I would say, of \$380M to \$395M.</p> <p><u>S. Sauls:</u> "But as far as the litigation when this was passed, I know there people with concerns about the people living in this particular area. So we have an X number of people living in the area that spends Y dollars and we can project over the next 20 years to operate it. I was curious to know what that looks like in this particular purpose if you're spending a lot of time, in the larger context, no matter what's happened in the past. We're going through a big national debate about the national debt, about too much taxes."</p> <p><u>M. Collis:</u> "As of right now, I can tell you that the total of estimated cost of the project is capped at \$417M and we are going to try to come in under that, but as for right now that is our current capped amount."</p> <p><u>Alice Pena:</u> "I just want to make a statement. Had this project been completed 30 years ago when it was authorized, it would have cost \$60M."</p> <p>Task Force Discussion</p>
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PRESENTATION OF BACKGROUND INFORMATION

RER STAFF

DISCUSSION	<p>Matt Davis presented a draft ownership map of the 33B area.</p> <p>Ms. Grisel Rodriguez gave a presentation on zoning and some other information in terms of existing land use maps.</p> <p>Task Force Discussion</p>
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PUBLIC COMMENTS

PUBLIC

DISCUSSION	<p><u>Alina Ramirez – 5000 Monroe Street, Hollywood, FL:</u> "If we're able to remove 8.5 from 33B to 33B overlaying and descriptions and special wetland issues and we basically remove it for it to be treated like any other agricultural land in the state because they are not being provided any additional flood protection. They are still in that 140 situation, I guess, and basically they can just deal with the state in terms of the wetlands issues. Since most of the property is agricultural then wouldn't it make sense that we stick with the state's provisions with regards to agricultural? It really makes sense if we remove it from that overlay that seems to be the whole problem here. Especially that the land is above everything else. So basically we remove all of these issues and basically deal with agriculture and whatever way it has to be dealt with and the rest of the state prescribe to that. Thank you."</p> <p><u>Pamela Evans – 2750 NW 183 Street, #2310, Aventura, FL 33160:</u> "After reading Steve Carney's report on this, I think it's really simple. Just remove the end of one in 33B. I don't see why not. You have to read the report, it's very clear it's farmed and the soil has been disturbed. I can't see a reason why not to. I'm speaking to Jose Gonzalez's point about the flooding; I have to kind of laugh. Because to actually speak to the land owners, they're here. They drove here but if you look at like West Miami where they live, they couldn't even open a school. There's flooding car high, cars are floating. So if you're worried about flooding, I'm not sure why you're so concerned about that area. Which we've established since October that it is higher. So, they have a little flooding and to address the part about the pumps, if they're going to work or not. If we spend three hundred and something million dollars and they're not working, then they better get in there and fix it. We can't go on that way. This is the end that people share to buy, it should be one in five and they should do their job properly. So, I would think that we should go ahead and take advantage of one out of 33B and it's very clear. Like I said, you haven't read the report from Steve Carney, then I think you should go over it. Thank you."</p> <p><u>Dan Peterson – 5202 Plantation Lakes Circle:</u> My name is Dan Peterson I work for an organization call the Coalition for Property Rights and I wanted to come down here from Orlando Florida. First I want to commend you guys for volunteering for this Task. You have to weight an awful lot of stuff and my head hurts just from what I've heard today. So, I can hardly imagine the way you must be feeling. I guess what I'd like to say is that in the mist of all the questions and issues and history that we've heard here today and you've heard over the months, I assume. To always please try to keep as paramount though, the fact that individuals do have private property rights. That's so important because our Country was founded on that. I think it's prosperous greatly beyond any other Country in the world and any history because of the private property rights that they've extended to people. It's interesting that you are advising people who make decisions over lives of residences and the livelihood and the freedoms that people have in this area. The elected officials that will ultimately make some of those decisions all take an oath, which the same oath as the President of the United States, and that's to protect and defend the Constitution of the United States. The Constitution, in general, always comes down to side with property rights. As has the history of legal</p>
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jurist in our Country as well as Our Founding Fathers. These are often the people that are mentioned in the pursuit of private property rights. These are just some of the things that Our Founding Fathers set. John Adams said that, "property must be secured or liberty can not exist." So he tied private property rights with securities of our liberty together. Alexander Hamilton said, "one great object of government is personal protection and the security of property rights." It's hard to believe that a columnist in the early founding fathers said that the right of property is the guarding of area right and to guard people of this. Is in fact to deprive them of their worries. So, these are the things that our Country is founded on and we're going to make some advice to pass on. I just ask that, philosophically, you consider all these other things and to filter your thoughts through this whole paradigm. This is what our Country is all about and you're advising people that are sworn into oath to defend and protect that constitution. That's what makes our Country so unique exceptional in the history of the world. So, thank you for what you're trying to do and I appreciate your efforts on that. Thank you."

Jose Fernandez – 19901 SW 180 Street:

"Hello. Ok. My name is Jose Fernandez. I am an independent constitutional fighter/activist. To all my friends and followers, the people of the United States of America and to all my enemies, the Miami Dade County government, our fake politicians, congressmen and congresswomen, senators and others. The dictator environmental government agencies, DERM, DEP, EPA, and the Agenda 21 from the United Nations, ICLEI and the corrupted 11th Judicial Court. All of these entities have been violating many of the constitutional rights of we the people, and it's time for us to hold them accountable. Many of them might be charged with treason to our constitution since they are following an agenda of United Nations violating our United States constitution. Let's not forget the big interest that finance and support these politicians and agencies. Example, the lime rock miners like CEMEX in Mexico, also the miners in white rock on Okeechobee. It is time for us to reclaim our rights, freedom, and Country at any cost. I will appreciate if you take a little bit of your time from your day to take a look at these three stories listed below. They are national and international already. I am just making a stand for all the Americans who believe in this Country to be the way it is supposed to be. I hope if I lose my life in this battle at least it will be the affect to make you guys wake up. Take the blind fold off your eyes and see reality and don't hide from it, but that must be your decision. Would you rather die fighting for freedom or take the life of being a slave. Think about your grand kids, they will also be slaves. Please help me fight Agenda 21, United Nations, and Harvey Ruvin, head of the United Nations Agenda 21 in Florida. I got a little bit more. Today's activist and I am talking environmental because I consider myself an environmental. I suggest then that you put on an United States uniform and go fight and stop harassing we, the people with your rules and unconstitutional. Please so America can be America again and we don't feel like little animals chased by an extreme environmentalist. Again, I'm talking about the extreme environmentalist. There is nothing more important than the human right. It's more important than an animal that's in the street. Ok, and believe me, I am working throughout all of United States and people, senators, politicians. Definitely hold accountable because we the people, we have the power. You work for us. Your commission. Thank you."

Steve Carney – 6435 SW 85th Street:

"Hi, Steve Carney, Carney Environmental. I got a couple of graphics I want to present. One of which is kind of a reuse, there's one that should say May. Ok, that's one like I presented last time except I added a couple of features; more landscape features to the west. Perhaps more importantly is that little blue box you see on the left hand side of the East Everglades boundary was the area that Sam Poole described is what triggered the East Everglades Ordinance. I don't know the property but it's called the Content Grove Farm and because of that Chapter 33B was put into effect and because 33B works, that farm is no longer there and these areas just east of there, this kind of whitish area are formally James Humble's Farms. I'm glad he's not here to hear this, but a lot of those areas are now set up as CERP Projects. So, again my pitch to the committee is I think 33B is an effective code. It should stay in place, however, as allowed by 33B that management area One which has been shrunk in size considerably as you can see there on the graphic and now framed on all sides by an indelible boundary, a levy, be pulled from 33B keep all other aspect of 33B in place. Concerns for the residents running amuck, there's still all the other environmental back stops in place. DEP with Chapter 24 and DEP regulations, Corps regulations, EPA regulations. Concerns for densities, if the back stop becomes one house per five acres as allowed by the management plan. I guess that's ok, I recognize that there are wetlands out there. If somebody wants to invest the money to go through the process of getting a permit impact those wetlands they have to go through the permit procedure. The have to prove avoidance and minimization, identification and the cost of mitigation for site and fill on five acres will be pretty considerable. But as a safety measure that might be considered by the County is to put in language that makes this area to tend to stay as agriculture and to maybe pull in language similar to that in place for the natural core that's used to protect by the County but through regulation. A percentage of those may be impacted. So, I think it's doable to pull this out and to provide protection to the environment that lies within that levy system and leave everything else in place as you see here. I mean it's a huge area. 33B work in my mind and now it's just time to come back and revisit this by the code. I thought it was going to get into water data but Matt said something so if you could pull up one file that's called water data.

That's the canal C357, it's a pretty substantial drainage feature that runs through the middle of the 8.5 SMA. In the file called water data there should be a file called comparison. Water level comparisons, that's it.

Canal 357 has the southern pump station and it's structure 357 and it has water data available for what's called the head water site which represent the water level in the 8.5 SMA. Ground water well G596 has been out there since 1947 so there's a ton of data from that well. That is approximately at 196 Street and about midway across, I meant 136 Street about midway across the 8.5 SMA. What I did because 357 wasn't constructed until 2009 I just bracket the data for each of those other facilities. You will see that the groundwater well G597 mirror pretty much exactly the waters levels at 357. So I think, I assume the CORPS is looking at this stuff, that ground water well 596 could be used as a sort of server to figure out water wells. The other thing I wanted to show was the blue line that represents the structure 331 which is that canal L31. On the east side of the 8.5 SMA. Nearly in every case the water level is lower and that's because that canal is used to drain west of Dade County. And for that reason water flows down hill, the properties to the east side of the 8.5 SMA would be affected by that lower water level and when Matt Davis stated that the water that goes into the little collection area over

to the south which flow into the Everglades. I have a different opinion; I would say that particular flow back into the canal L31 because it's held at a lower stage. Now ultimately Matt said that it does flow down to C111 and the Everglades way down the 18 mile stretch. So, I guess at some point you expand the horizon far enough and you'll pass the Everglades but in general, based on this Steve's data and some other projects that happen just south of the 8.5 SMA I think the concern for the groundwater at the 8.5 SMA are somewhat behind us. I mean the certain a raised within the box and if they go out into this little containment area. The Corps, it wasn't mentioned today, but Corps has discovered this phenomenon and currently they're installing a grout curtain along the levy from Tamiami Trail south to the northern portion of the 8.5 SMA. And that's to prevent waters that will be introduced in the shark slough(inaudible). That's all I have. Anyway again, it is available in the code and my recommendation is to consider taking Management Area One out of 33B and then I guess Planning and Zoning will kind of reshape the master plan map so it's the open land category and not only includes Las Palmas six miles and everything else to the west is probably less sensitive."

Task Force Discussion

Ed Chapman – 12375 SW 202 Avenue:

"I'm not a biologist or a hydrologist, not a geologist or maybe I should have been a proctologist. I see the Hefty folks in there a lot. A number of things come to mind, one is they seem to be worried about a few septic tanks in the area. I saw an article in the Herald about a week ago where there are millions of gallons of raw sewage flowing into the ocean and the wellfields every year from bad sewage tanks. So that's something that they need to invest at the same time. What Mr. Carney said was correct, I've been there 30 years and when we had high water periods, you could go down the streets and see water flowing always to the east. It never flowed to the west. I got pictures in some cases where it's flowing across and you can see the flowage. So, it would seem to me that the management area it self can be designated rather than making a broad overview of it. It's a small designation and I don't see any reason to keep the designation as it is now because it creates another place to keep their thumb on people. By this I mean, I'm going through a tax problem right now and I called the tax department and I say, you know, I got this and I got a wetlands and I got a covenant on it so I should get reduced taxes. And they said, 'no, you're residential.' I say, 'why can't I use it?' And they say, 'well, that's too bad.' I say, 'its agricultural.' And they say, 'well, plant something on it.' And I say, 'I can't, the county won't let me.' Go see DERM, I go to DERM and they say, 'oh, no, no, no.' So, I'm boxed in here and then they say well I guess there's nothing you can do. I say, I know that there got to be some kind of rule that says that you can't use it. And that's the type of thing they use; any kind of regulation that they have to keep you down. The last thing that I was going to say is that the County been after us long, I'm not uncomfortable with water flooding out there occasionally, as long as they don't allow it to sit there. We've got bathtubs now encased all the way around like levees and I suppose that there might be way they wouldn't run the pump and we just got about eight or nine inches of rain in the last week and a half. We have standing water out there and it's all going down. We have apparently a really good drainage system through the rock and we don't have that problem. So, the one problem I do have is they simply need to revise the system to say some of these may be wetlands, be sure you investigate before you buy. So that you'd know this ahead of time before you buy them. The same thing with water, you're going to be in an area that possibly could flood. If you want to take that, then you sign this hold harmless agreement and then you're on your own. Then you fine them, they have no problem with that. I went there and I bought the place to die in. But we'll see. Thank you for your time."

ACTION ITEMS:

TASK FORCE MEMBERS

DISCUSSION	Have staff prepare a chronology of the history of 33B and Chapter 24 including the key facts on Army Corps and clear maps showing the area.
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SET AGENDA / POLL MEMBERS FOR NEXT MEETING

TASK FORCE MEMBERS

DISCUSSION	Next meeting has been scheduled for June 18, 2012 and July 2, 2012 both at 1pm to 4pm.
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MEETING ADJOURNED	4:05PM
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